



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

FEUER, Donald S.

Serial No.: 09/479,736

Filed: January 7, 2000

METHOD AND APPARATUS FOR
INTERFACING A PUBLIC SWITCHED
TELEPHONE NETWORK AND AN
INTERNET PROTOCOL NETWORK FOR
MULTI-MEDIA COMMUNICATION

Docket No. CEN2-BH43

Group Art Unit No.: 2662

Examiner: PEZZLO, John

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OFFICE OF PETITIONS

Commissioner For Patents
Alexandria, VA 22313-1450

**DECLARATION UNDER RULE 131 TO ESTABLISH PRIOR INVENTION OF
REJECTED CLAIMS**

1. I, the inventor named in this application, make this declaration to establish prior invention of subject matter rejected based on U.S. Patent No. 6,252,952 (the '952 patent) in a February 12, 2003, Office action. The '952 patent was cited as prior art under 35 U.S.C. § 102(e) and does not claim the same subject matter as the above-referenced application.

2. The facts recited herein are evidenced by the following attached documents:

Exhibit A) A copy of a Business Plan for CentreCom, Incorporated, dated no later than November 22, 1999. Mr. Donald Feuer, the named inventor, was founder, President, CEO, and Chairman of CentreCom, Inc., and inventor of the various technologies disclosed in the Business Plan. Irrelevant portions of the Business Plan have been redacted.

Exhibit B) A copy of a September 28, 1999, BUSINESS WIRE article

discussing the innovations of Mr. Donald S. Feuer.

Exhibit C) A copy of a November 15, 1999, BUSINESS WIRE article discussing the innovations of Mr. Donald S. Feuer.

Exhibit D) A copy of a press release dated October 26, 1999, from TEK DIGITAL discussing the innovations of Mr. Donald S. Feuer.

3. Exhibit A evidences that conception of a method and apparatus for interfacing a public switched telephone network and an IP network occurred before December 30, 1999, the filing date of the '952 patent. Specifically, Exhibit A is a Business Plan dated no later than November 22, 1999, that summarizes CentreCom's technology, including the invention claimed in the present application. The Business Plan, specifically pages 19-21 and exhibit A (page 19) and exhibit B (page 20), discloses Mr. Donald S; Feuer's conception of at least:

a computer controlled switch adapted for connection to a local public switched telephone network and containing subscriber destination addresses, and
gate interface circuitry connected to the computer controlled switch and adapted for connection to the IP network such that calls to a subscriber received by the computer controlled switch are automatically routed to each destination address on the PSTN or the IP network for that subscriber.

Additionally, Exhibit A evidences the conception of various other features of the invention claimed by the present application, such as phone, fax, email integration, etc.

Furthermore, Applicant submits that the actual date of the Business Plan is November 22, 1999, and not October 22, 1999, as indicated on the cover sheet of the document. The incorrect dating is the result of a previous clerical error, and does not effect the relevance or applicability of Exhibit A as both dates are before December 30, 1999, the priority date of the '952 patent.

4. Exhibit B further evidences Mr. Donald S. Feuer's conception of the claimed invention

before December 30, 1999. Specifically, Exhibit B describes the claimed invention in detail and CentreCom's status as the "world's first provider of phone to PC, PC to phone and phone to phone telecommunications services through the Internet."

5. Exhibit C further evidences Mr. Donald S. Feuer's conception of the claimed invention prior to December 30, 1999. Specifically, Exhibit C describes the claimed invention in detail and various accolades received by CentreCom as a "groundbreaking telecom company achieving outstanding advances in the industry" through its VoIP discoveries.

6. Exhibit D further evidences Mr. Donald S. Feuer's conception of the claimed invention prior to December 30, 1999. Specifically, Exhibit D describes the claimed invention in detail along with various pioneering services offered by CentreCom and Mr. Donald S. Feuer.


7. The application was diligently prepared and filed on January 7, 2000, shortly after the conception evidenced by the above-exhibits. Thus, the expeditious filing of the patent application evidences that the inventor acted with due diligence from December 30, 1999, the reference date, to the filing date of the application, January 7, 2000.

6. Exhibits A-D demonstrate conception of the invention prior to the effective date of the '952 patent, December 30, 1999, coupled with due diligence from prior to the reference date to the filing date of the application (constructive reduction to practice).

7. I further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that wilful, false statements and the like are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and such wilful false statements may jeopardize the validity of any patents issued from the patent application.

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Donald S. Feuer